

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BENJAMIN PETRAS,

Plaintiff

v.

WILLIAM GITTERE, et al.,

Defendants

Case No. 2:23-cv-00592-GMN-BNW

**Order Dismissing Complaint and  
Closing Case**

Plaintiff Benjamin Petras brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated at Lovelock Correctional Center. (ECF No. 10.) He was in the custody of the Nevada Department of Corrections (“NDOC”) at the time he initiated this case, and he submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 5.) In this Court’s February 3, 2024 screening order, the Court deferred a decision on the application to proceed *in forma pauperis*. (ECF No. 11.) The screening order also imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 24.) Petras was released from NDOC custody in April 2024. (See ECF No. 18.) A resolution was not reached at the July 12, 2024 mediation. (ECF No. 27.)

Because Petras was no longer in NDOC custody, the Court denied his application to proceed *in forma pauperis* by a prisoner as moot on July 16, 2024. (ECF No. 28.) The Court also directed Petras to either file an application to proceed *in forma pauperis* by a non-prisoner or pay the full filing fee of \$402 by August 15, 2024. (*Id.*) That Order was served on Petras at his address of record. (See *id.*) More than the allotted time has passed, and Petras has failed to comply with the Order or contact the Court in any way.

1 The Court, therefore, dismisses his Complaint without prejudice for failure to follow the  
2 Court's order.

3 IT IS THEREFORE ORDERED that this § 1983 action is DISMISSED without  
4 prejudice as set forth in this order.  
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6 The Clerk of Court is directed to enter judgment accordingly and close this case.  
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8 DATED: 11 September 2024.  
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13 GLORIA M. NAVARRO  
14 UNITED STATES DISTRICT JUDGE  
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